

## **REMARKS**

Entry of the foregoing, reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested in light of the remarks which follow.

### **II. Response to Sequence Listing Objection**

At page 2 of the Office Action, the application has been objected to because the peptide sequence in claim 1 is not associated with a sequence identifier and is not included in the Sequence Listing.

In response, Applicants respectfully submit that the peptide sequence set forth in claim 1 does not fall within the Sequence Listing rules. Under 37 C.F.R. § 1.1821(d), each sequence of ten or more nucleotides, or four or more amino acids must be listed in a Sequence Listing, with each sequence further being assigned a sequence identification number referred to as "SEQ ID NO:". However, the peptide sequence in claim 1 includes only 2 rather than 4 constant amino acids; the remaining amino acids are all variable ("Xaa"). Thus, the sequence does not meet the requirements of the rules and need not be included in the Sequence Listing.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

### **III. Response to Claim Rejections Under 35 U.S.C. § 112, First Paragraph**

At pages 2-3 of the Office Action, claims 7 and 13-15 have been rejected under 35 U.S.C. § 112, first paragraph, as purportedly lacking enablement.

In the outstanding Office Action, the Examiner has acknowledged that, in light of the Declaration of Dr. Kang (filed June 8, 2007 in the present application), the present specification enables treatment of rheumatoid arthritis. However, the Examiner has stated that the specification does not enable treating any of the additional diseases recited in claim 7.

This rejection is respectfully traversed.

In the Office Action dated August 14, 2007, the Examiner indicated that the specification enables the treatment of cancer, vascular malformation, arteriosclerosis, vascular adhesions, edematous sclerosis, corneal graft neovascularization, neovascular glaucoma, diabetic retinopathy, pterygium, retinal degeneration, retrolental fibroplasia, granular conjunctivitis, rheumatoid arthritis, systemic Lupus erythematosus, thyroiditis, psoriasis, pyogenic granuloma, seborrheic dermatitis and acne. Furthermore, the Examiner acknowledged that the Matrigel Plug assay (an *in vivo* assay demonstrating that the claimed peptides are effective against angiogenesis) and the Declaration of Dr. Kang are persuasive regarding the treatment of conditions such as cancer and arthritis that are known to involve angiogenesis.

In addition, the Examples set forth at pages 36-41 of the present specification clearly show that the inventive peptides can be used to treat angiogenesis-related diseases, such as the diseases recited in claim 7. It is also known that angiogenesis inhibitors are a relatively new class of cancer drugs (*see, e.g.,* p. 728, left column, of Kerbel et al., *Nature Reviews Cancer*, 2:727-739, 2002, a copy of which is submitted herewith for the Examiner's reference).

Finally, Applicants have submitted herewith a Declaration Under 37 C.F.R. § 1.132 of Dr. In-San Kim, a named inventor of the present application. The experiments detailed in the Declaration show that the fas-1 domain comprising peptide of the present invention is

useful for treating cancer in the melanoma cell and melanoma animal model.

In view of the above, Applicants respectfully submit that a person of ordinary skill in the art would have been able to use the peptides recited in claim 7 for all of the medical conditions recited in this claim without undue experimentation. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

### CONCLUSION

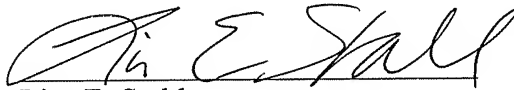
In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited. In the event that there are any questions relating to this Amendment and Reply, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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